

BOW



Office of the City Engineer

20 North 6th Street • Lafayette, Indiana 47901-1412

Phone 765-807-1050 • FAX 765-807-1049

**AGREEMENT FOR UTILITY SERVICE
ROSE BUSINESS PARK
North Side of Old CR 350 South on the West Side of CR 500 E**

Pursuant to the attached conditions for utility service consisting of five (5) pages, the City of Lafayette agrees to provide water supply service to and to accept sanitary sewage from a proposed 29.917± acre development site known as Rose Business Park, located at Old CR 350 S and CR 500 E. (Described on Exhibit 'A' attached hereto.) The implementation plan for this development anticipates that the development will be done in lots with Cost Recovery Fees paid pursuant to the associated acreage/lot fee as each lot is developed.

City of Lafayette
Board of Public Works and Safety

Gary D. Henriott, President

Amy Moulton, Member

Norman D. Childress, Member

Ronald Shriner, Member

Cindy Murray, Member

ATTEST:

Date: _____

Date: _____

Owner/Developer:
Myriad Enterprises, LLC



By: Don Amsden, Member

Date: 7-7-2020

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

Before me the undersigned, a Notary Public for the County of Tippecanoe, State of Indiana, personally appeared Gary D. Henriott, President of the Lafayette Board of Public Works and Safety, Norman D. Childress, Board Member, Cindy Murray, Board Member, Amy Moulton, Board Member, and Ronald Shriner, Board Member and acknowledged the execution of the foregoing instrument this 7th day of July, 2020.

Misty Grant-Kelsey
Notary Public
Resident of Tippecanoe County

My Commission Expires: 11/12/2027



STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

Before me the undersigned, a Notary Public for the County of Tippecanoe, State of Indiana, personally appeared Don Amsden, representative of Myriad Enterprises, LLC, who acknowledged the execution of the foregoing Agreement for Utility Service this _____ day of _____, 2020.

Notary Public
Resident of _____ County

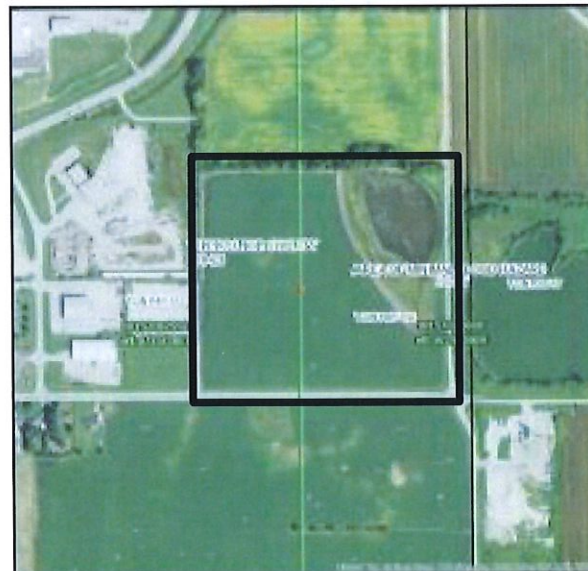
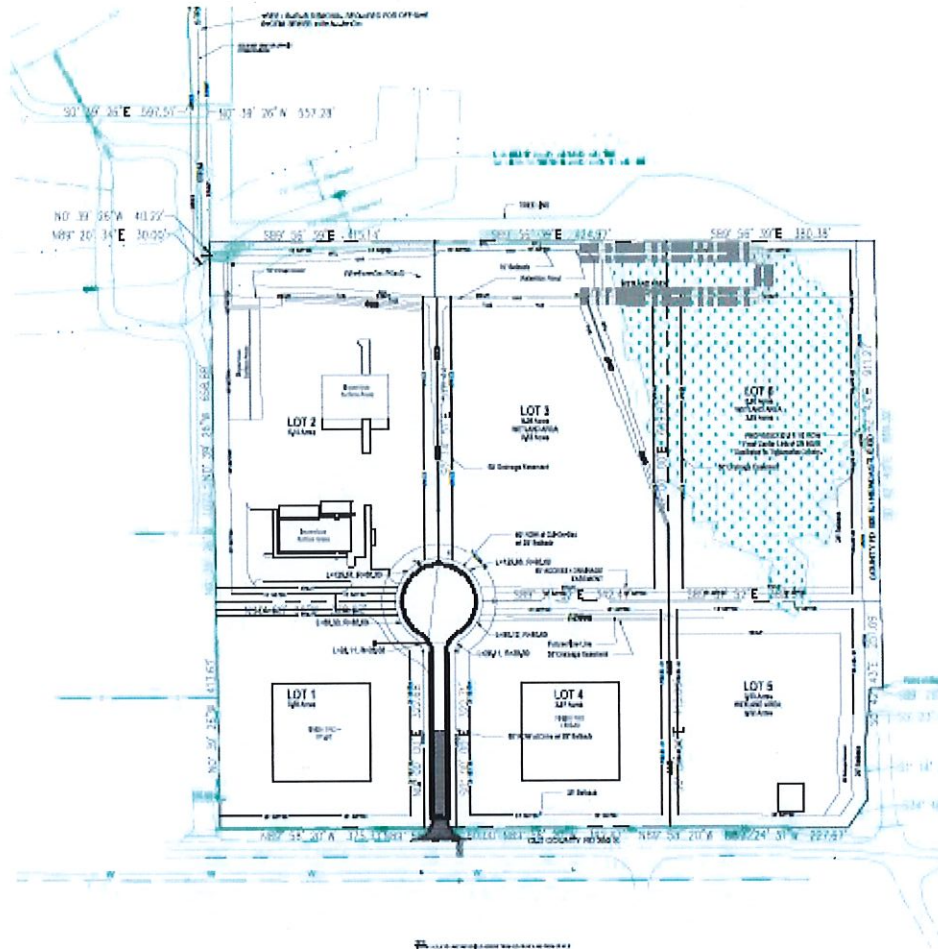
My Commission Expires: _____

Exhibit 'A'

ROSE BUSINESS PARK PROPERTY DESCRIPTION

Reference Survey: 201919014876 Recorder's Office) Parent Tract: A part of the Southeast Quarter of the Northeast Quarter of Section 12, Township 22 North, Range 4 west in Wea Township, Tippecanoe County, Indiana, Described as follows: Commencing at a Bernsten monument marking the Southeast corner of the North Quarter of said Section 12; thence S 89°57'06" W (BEARINGS ARE BASED ON WGS84) 112.13 feet along the South line of the Northeast Quarter of said section 12; thence NORTH 00°31'43" WEST 287.76 feet to a Starr capped rebar marking the Northeast corner of a tract of land owned by the Tippecanoe board of Commissioners as recorded in document Number 9703146 in the office of the Recorder of Tippecanoe County, Indiana (ORTCI); thence following said Tippecanoe County Board of Commissioners the following six (6) courses: thence (1) S 89°28'07" W 22.70 FEET; thence (2) S 05°23'44" W 101.35 feet; thence (3) S 01°14'28" E 103.70 feet; thence (4) S 34°40'31" W 60.81 feet; thence (5) N 89°24'31" W 227.67 feet, thence (6) N 89°58'20" W 926.78 feet to the West line of the Southeast Quarter of the Northeast Quarter of said Section 12 and the East line Milestone Industrial Subdivision Phase Two, Part Two, as recorded in Document number 05004790 (ORTCI), thence N 00°29'15" W 1076.27 feet along the west line of the Southeast Quarter of the Northeast Quarter of said Section 12 and the East line of Milestone Industrial Subdivision Phase Two, Part Two to a Starr Capped Rebar and the Southwest corner of a tract of land owned by Charles R. Vaughan Irrevocable trust as recorded in document Number 00025706 (ORTCI); thence S 89°46'20" E 1220.63 feet along the South line of the Charles R. Vaughan Irrevocable Trust property to a cotton gin spike on the approximate centerline of County Road 500 East, thence S 00°31'42" E 819.42 feet along the approximate center line of County Road 500 East to the Point of Beginning and containing 29.917 Acres.

Exhibit 'A' – Page 2



FEMA MAP

SCALE: NTS



Old County Road 350 South and 500 East
Directly east of the Milestone Property off CR 350S/475E

CONDITIONS FOR UTILITY SERVICE

1. Execution of the Consent to Voluntary Annexation and Waiver of Right to Object.
2. Acceptance of the conditions in the attached Statement of Policy for Utility Service. (Dated March 25, 1999)
3. The Owner/Developer shall provide all easements necessary to provide utility (water, sanitary sewer and storm sewer) service at no cost to the City of Lafayette.
4. The implementation plan for this business park anticipates that the development will be done in lots with the balance of the Cost Recovery Fees then due being paid pursuant to the per lot fees identified in the Cost Recovery Fee Summary Sheet dated 4/30/2020 (Exhibit 'B' attached hereto and a part hereof).

5.1 WATER SUPPLY

Existing watermains are located near the proposed development and have sufficient size and capacity to serve said development. The City of Lafayette has previously constructed water supply facilities, storage facilities and distribution mains to serve this general area.

Water service shall be provided for the project at Old CR 350 S one (1) point of connection:

1. An existing 14"Ø located on the south side of Old CR 350 South.

Local watermains throughout the proposed development shall be maintained at 8"Ø minimum with the exception of limited duty mains which may be sized 6"Ø.

In recognition of prior construction of primary water supply, storage and distribution mains by the City of Lafayette to serve this general area, the Owner/Developer agrees to pay to said City a Water Cost Recovery Fee in the amount of \$1,253 per acre of platted development.

SUMMARY OF COSTS AND PAYMENTS

Water Supply

Payment due upon the execution of a Utility Service Agreement and/or any addendum to the Utility Service Agreement equals the platted acreage times \$1,253 times ten percent (10%). (Acreage x Fee x 0.10)

The remaining balance of the Water Cost Recovery Fee for each lot will be due and payable at time of application for a sewer permit for each lot and will equal the following: adjusted acreage of the lot times the appropriate fee less the ten percent (10%) down payment attributable to the platted acreage of said development.

All construction shall be subject to all applicable City standards as noted elsewhere in this Utility Service Agreement.

Upon completion, all watermains shall be accepted by the City of Lafayette as public watermains without residual obligation to the Owner/Developer.

No additional tap or cost recovery fees are required from the Owner/Developer for said water service save those fees provided for and required under City ordinance.

5.2 SANITARY SEWER

Existing sanitary sewer systems are located near the development and have sufficient size and capacity to serve said development. The City of Lafayette has previously constructed sewage lift stations, forcemains and interceptor sewers to serve this general area.

Sewer service connection shall be provided at Old CR 350 S one (1) point of connection.

1. An existing 12"Ø located on the south side of Old CR 350 South

In recognition of prior and current construction of sewage lift stations, forcemains and interceptor sewers by the City to serve this general area, the Owner/Developer agrees to pay to said City a Wastewater Cost Recovery Fee in the amount of \$4,377 per acre of platted development.

SUMMARY OF COSTS AND PAYMENT Sanitary Sewer Service

Payment due upon the execution of a Utility Service Agreement and/or any addendum to the Utility Service Agreement equals the platted acreage times \$4,377 times ten percent (10%). (Acreage x Fee x 0.10)

The remaining balance of the Wastewater Cost Recovery Fee for each lot will be due and payable at time of application for a sewer permit for each lot and will equal the following: adjusted acreage of the lot times the appropriate fee less the ten percent (10%) down payment attributable to the platted acreage of said development.

All construction shall be subject to all applicable City standards as noted elsewhere in this Utility Service Agreement.

Upon completion, all sanitary sewers shall be accepted by the City of Lafayette as public sanitary sewers without residual obligation to the Owner/Developer.

No additional tap or Cost Recovery Fees are required from the Owner/Developer for said sewer service save those fees provided for and required under City ordinance.

STATEMENT OF POLICY UTILITY SERVICE

March 25, 1999

This document is prepared as a general statement of policy for connection to the water and wastewater systems of the City of Lafayette. Unusual or extra-ordinary service conditions may justify additional and/or alternative requirements.

No utility service, water or wastewater, will be provided until all technical and monetary matters have been satisfied.

Sanitary Sewers

1. Provision of wastewater service is conditioned on the acceptance and usage of the City water system where such waterlines are within reasonable connection distance.
2. All sanitary sewers proposed for connection to the City of Lafayette system shall be constructed of the highest quality state-of-the-art materials, built with sound construction practices in accordance with City of Lafayette Typical Construction Guidelines and Details (current version), Ordinance 85-21 as amended, and Ten States Standards, all to the acceptability of the Board of Public Works & Safety.
3. Private sanitary sewers are not generally permitted. Connection may be allowed for such sewers per direction of the Board of Public Works & Safety.
4. Application for connection to the sanitary sewer shall be initiated at the Office of the Lafayette City Engineer.
5. All required technical data, design documents, plans and specifications, permits, and approvals shall be delivered to and acknowledged by the Office of the Lafayette City Engineer prior to the initiation of construction by the developer.
6. Payment of sewer permit fees, Cost Recovery Fees and/or Wastewater Agreement Fees shall be made to the City prior to the issuance of a sewer connection (tap) permit.
7. Resolution of all items relating to Stormwater Management must be achieved prior to issuance of a sewer connection (tap) permit.
8. Notification of the Water Pollution Control Department-Sewers Section is required prior to initiation of construction activity and prior to connection the system.

Water

1. Provision of water service is conditioned to the acceptance and usage of the City wastewater system where such sewer lines are within reasonable connection distance.
2. All waterlines proposed for connection to the City of Lafayette system shall be constructed of the highest quality state-of-the-art materials, built with sound construction practices in accordance with City of Lafayette Typical Construction Guidelines and Details (current version), Ordinance 1279 as amended, and Ten States Standards, all to the acceptability of the Board of Public Works & Safety.
3. Private waterlines, with appurtenances, are not generally permitted. Connection may be allowed for such waterlines per direction of the Board of Public Works and Safety.
4. Application for connection to the water distribution system shall be initiated at the Office of the Lafayette City Engineer.
5. All required technical data, design documents, plans and specifications, permits, and approvals shall be delivered to and acknowledged by the Office of the Lafayette City Engineer prior to the initiation of construction by the developer.
6. Payment of waterline tap fees, meter fees, Cost Recovery Fees and/or other agreement fees shall be made to the City prior to the issuance of a waterline connection permit.
7. Resolution of all items relating to Stormwater Management must be achieved prior to issuance of a waterline connection (tap) permit.
8. Notification of the Water Department is required prior to initiation of construction activity and prior to connection to the system.

EXHIBIT 'B'

COST RECOVERY FEE SUMMARY SHEET
ROSE BUSINESS PARK
SUMMARY OF COSTS AND PAYMENTS
SANITARY SEWER SERVICE AND WATER SUPPLY
April 30, 2020

Project Title: Rose Business Park

Project Acreage: 29.917±

Number of Lots: 1-6

Schedule of Fees:

I. Charges:

Water Fee	(\$1,253 x 29.917 acres)=	\$37,486	(22%)
Wastewater Fee	(\$4,377 x 29.917 acres)=	<u>\$130,947</u>	(78%)

Total		\$168,433	100%
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II. Down Payment:

10% payment due at time of execution of Utility
 Service Agreement
 $0.10 \times \$168,433 = \$16,843$

Water Fee	=	\$3,705	(22%)
Wastewater Fee	=	<u>\$13,138</u>	(78%)
		\$16,843	100%

III. Balance of Payments Due:

Total Fee	=	\$168,433
Less Down Payment	=	<u>\$16,843</u>
Balance	=	\$151,590

$\$151,590 / 29.917 \text{ acres} = \$5,067 \text{ per acre}$

Lot 1 (29.917 x 12.433% = 3.72 ac)	$3.72 \times \$5,067 = \$18,850$
Lot 2 (29.917 x 21.057% = 6.30 ac)	$6.30 \times \$5,067 = \$31,922$
Lot 3 (29.917 x 21.458% = 6.42 ac)	$6.42 \times \$5,067 = \$32,530$
Lot 4 (29.917 x 12.800% = 3.83 ac)	$3.83 \times \$5,067 = \$19,407$
Lot 5 (29.917 x 12.332% = 3.69 ac)	$3.69 \times \$5,067 = \$18,697$
Lot 6 (29.917 x 19.920% = 5.957 ac)	<u>$5.957 \times \\$5,067 = \\$30,184$</u>
29.917 ac	\$151,590

Balance of payment will be due and payable upon application for a Sewer Permit for each lot. Each lot fee identified above equals: adjusted platted acreage in said lot (to include the proportionate acreage for internal access to lots) times the appropriate fee less the ten percent (10%) down payment attributable to the adjusted platted acreage of said lot. This resultant per-lot amount will be due and payable with each Sewer Permit application.

IV. Per Lot Allocation (see next page):

Water	(22%)
Wastewater	(78%)

Exhibit 'B' Page 2

Lot 1	\$ 4,147 (22%)	Water Allocation
	<u>\$14,703 (78%)</u>	Wastewater Allocation
	= \$18,850 (100%)	

Lot 2	\$ 7,023 (22%)	Water Allocation
	<u>\$24,899 (78%)</u>	Wastewater Allocation
	= \$31,922 (100%)	

Lot 3	\$ 7,157 (22%)	Water Allocation
	<u>\$25,373 (78%)</u>	Wastewater Allocation
	= \$32,530 (100%)	

Lot 4	\$ 4,270 (22%)	Water Allocation
	<u>\$15,137 (78%)</u>	Wastewater Allocation
	= \$19,407 (100%)	

Lot 5	\$ 4,113 (22%)	Water Allocation
	<u>\$14,584 (78%)</u>	Wastewater Allocation
	= \$18,697 (100%)	

Lot 6	\$ 6,640 (22%)	Water Allocation
	<u>\$23,544 (78%)</u>	Wastewater Allocation
	= \$30,184 (100%)	

UTILITY COST RECOVERY FEE WORKSHEET

Project Title: Rose Business Park Date: 4/30/2020

Project Location: Old CR 350 S and CR 500 E

Total Platted Acreage: 29.92 Ac. (per Legal Description) No. of Lots: 6

Service Area in which Proposed Project is located: (See Map) 7

A. Total Average Flow from IDEM Design Summary: _____ gpd

B. Acreage flow: A. = _____ gpd per Ac.
Platted Acreage

C. Flow Multiplier: B. - 2000 = _____
(Use 0 if less than 0) 2000 gpd per Acre

WASTEWATER RECOVERY FEE WORKSHEET

WATER RECOVERY FEE WORKSHEET

1. Base Fee		<u>\$2,165</u>		1. Base Fee		<u>\$941</u>	
2. Service Area Fee		<u>\$2,212</u>		2. Service Area Fee		<u>\$312</u>	
3. Flow Rate Adjustment: [C. x (1.+2.)]	=			3. Flow Rate Adjustment: [C. x (1.+2.)]	=		
4. Recovery Fee per Acre: (Sum of 1.+2.+3.)	=	<u>\$4,377</u>		4. Recovery Fee per Acre: (Sum of 1.+2.+3.)	=	<u>\$1,253</u>	
5. Total Wastewater Recovery Fee (4. x Total Platted Acreage)				5. Total Water Recovery Fee (4. x Total Platted Acreage)			
<u>\$4,377</u> x <u>29.917</u>	=	<u>\$130,947</u>		<u>\$1,253</u> x <u>29.917</u>	=	<u>\$37,486</u>	
Service Area Fee Schedule				Service Area Fee Schedule			
Service Area 1 -	\$2,583			Service Area 1 -	--		
Service Area 2 -	\$4,284			Service Area 2 -	\$21		
Service Area 2A -	\$5,448			Service Area 2A -	\$21		
Service Area 2B -	\$7,094			Service Area 2B -	--		
Service Area 2C -	\$984 /S.F. Service			Service Area 2C -	--		
Service Area 3 -	\$2,245			Service Area 3 -	--		
Service Area 3A -	\$3,513			Service Area 3A -	\$619		
Service Area 3B -	\$1,678			Service Area 3B -	\$619		
Service Area 4 -	\$2,326			Service Area 4 -	\$103		
Service Area 5 -	\$1,327			Service Area 5 -	--		
Service Area 6 -	\$3,780			Service Area 6 -	\$370		
Service Area 6A -	\$4,853			Service Area 6A -	\$282		
Service Area 7 -	\$2,212			Service Area 7 -	\$312		
Service Area 8 -	\$2,298			Service Area 8 -	\$254		
Service Area 9 -	\$1,988			Service Area 9 -	\$83		
Service Area 9A -	\$3,918			Service Area 9A -	\$123		
Service Area 10 -	\$1,473			Service Area 10 -	\$75		
Service Area 11 -	\$3,932			Service Area 11 -	\$103		
Service Area 11A -	\$1,570			Service Area 11A -	\$130		
Service Area 11B -	\$3,073			Service Area 11B -	\$75		
Service Area 11C -				Service Area 11C -	--		
Service Area 12 -	\$1,473			Service Area 12 -	\$75		
Service Area 13 -	\$2,294			Service Area 13 -	\$1,331		
Service Area 14 -	\$3,043			Service Area 14 -	--		
Service Area 15 -	--			Service Area 15 -	\$2,419		
Service Area 15A -	\$3,838			Service Area 15A -	\$6,430		
Service Area 16 -	\$3,073			Service Area 16 -	\$103		*
Service Area 17 -	\$5,000 *			Service Area 17 -			*
Service Area 18A -	\$6,796 *			Service Area 18A -			*
Service Area 18B -	\$7,560 *			Service Area 18B -			*
Service Area 18C -	\$3,841 *			Service Area 18C -			*
Service Area 18D -	\$7,647 *			Service Area 18D -			*
Service Area 19 -	\$3,550 /S.F. Service*			Service Area 19 -			*

* No Base Fee required for this Service Area.

** Revision of Service Area Fee pending.

WASTEWATER RECOVERY FEE WORKSHEET (cont'd)

Service Area 20 -	*
Service Area 20A -	\$240 *
Service Area 21 -	*
Service Area 22 -	
Service Area 23 -	\$7,315 /SF Service*
Service Area 24 -	\$6,713 /SF Service*
Service Area 25 -	
Service Area 26 -	\$7,113 /SF Service*

WATER RECOVERY FEE WORKSHEET (cont'd)

Service Area 20 -	\$1,271 *
Service Area 20A -	\$1,561 *
Service Area 21 -	*
Service Area 22 -	\$3,632 /SF Service*
Service Area 23 -	\$5,174 /SF Service*
Service Area 24 -	\$7,032 /SF Service*
Service Area 25 -	\$2,636 *
Service Area 26 -	\$4,397 /SF Service*

STORMWATER COST RECOVERY FEES

1.	Greenbush Pond Watershed -	\$12,500 / Acre Foot of Storage
2.	Wilson Branch Reservoir Watershed -	\$9,339 / Acre Foot of Storage
3.	Coleman Drain Watershed	\$7,384 / Acre + Greenbush Pond Storage Charge
4.	Southside Drainage Watershed	\$7,086 / Acre
5.	Kirkpatrick Legal Drain Reconstruction	\$2,525 / Acre
6.	C.R. 500 East & McCarty Lane Stormwater Improvements	\$7,088 / Acre
7.	Gannett Storm Sewer Extension	\$13,199 / Acre
8.	Sagamore North Pond / Storm System	\$13,224 / Acre
9.	Old Romney Road Pond / Storm System	\$31,375 / Acre

MISCELLANEOUS COST RECOVERY FEES

I. WATERMAINS

Creasy Lane area between Creasy Court
and State Road 38

\$850 / Acre of Platted Acreage

* No Base Fee required for this Service Area.

** Revision of Service Area Fee pending.

CONSENT TO VOLUNTARY ANNEXATION AND WAIVER OF RIGHT TO OBJECT

STATE OF INDIANA

SS:

TIPPECANOE COUNTY

To the City of Lafayette:

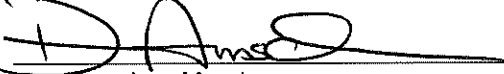
In consideration of the City of Lafayette, Indiana, permitting the undersigned to connect to the City utility system and for other good and valuable consideration, the undersigned being all of the fee simple owners of all the real estate to be serviced, hereby consent to the **Voluntary Annexation** of all or any of the real estate within the service area ("Real Estate"), such Real Estate being legally described on the attached Exhibit 'A' which Exhibit is made a part hereof; and upon the request of the City of Lafayette agree to execute any and all documents necessary to effectuate a **Voluntary Annexation** and further **Waive All Rights to Object** to annexation, or resist any proceeding for annexation, of all or any part of the Real Estate by the City of Lafayette or others.

This Consent to Voluntary Annexation and Waiver of Right to Object to Annexation shall run with the land and be binding upon the heirs, administrators, devisees, assigns, or successors in interest.

Date this 7th day of July, 2020

Owner/Developer:

Myriad Enterprises, LLC




Don Amsden, Member

STATE OF INDIANA

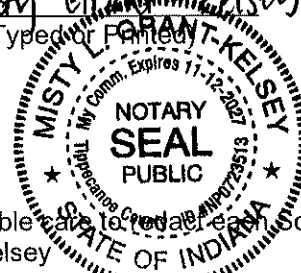
SS:

COUNTY OF TIPPECANOE

Before me a Notary Public in and for said County and State this 7th day of July, 2020, personally appeared Don Amsden, Member of Myriad Enterprises, LLC, and acknowledged their voluntary execution of the foregoing Waiver of Right to Object to Annexation.


Notary Public
Misty Grant-Kelsey
Name (Typed or Printed)

My Commission Expires: 11/12/2027



I affirm, under the penalties for perjury, that I have taken reasonable care to read each Social Security number in this document, unless required by law. Misty Grant-Kelsey

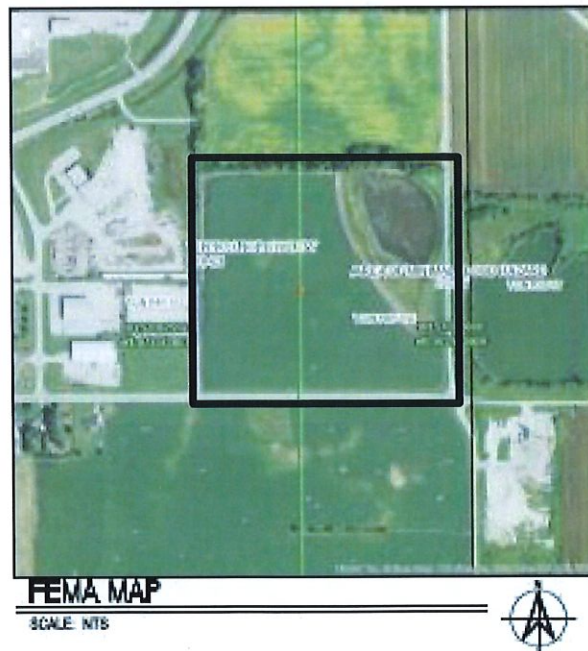
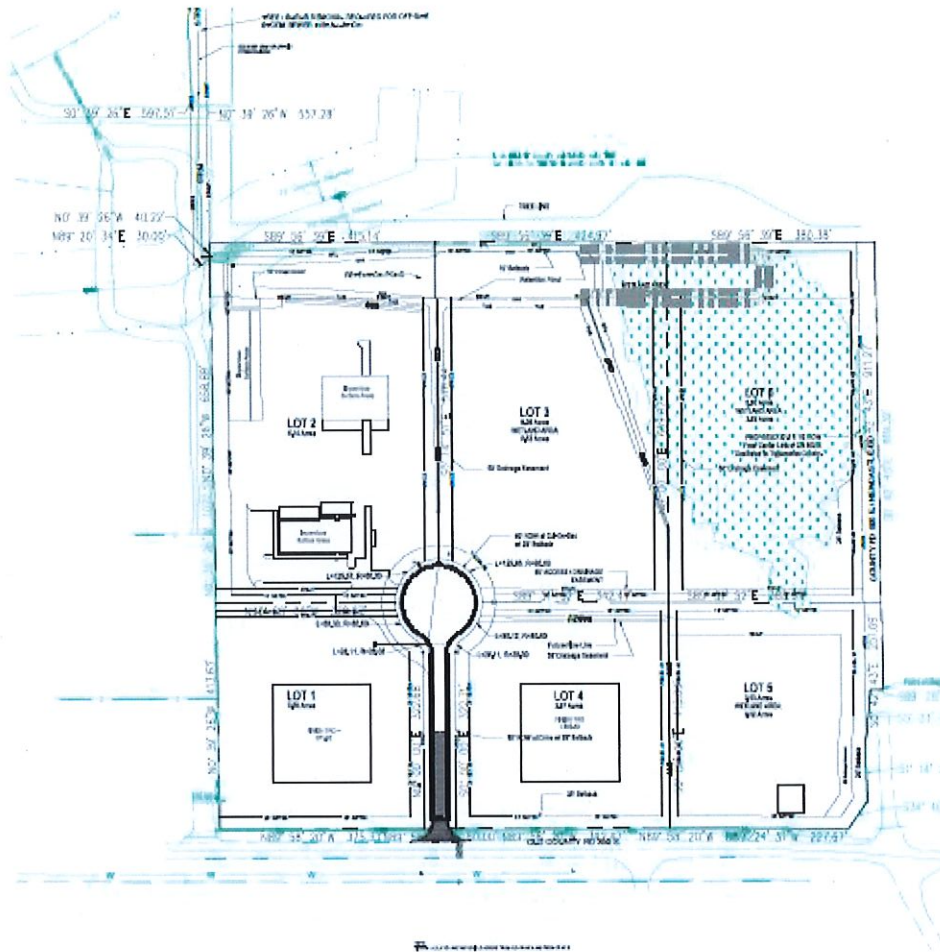
Prepared by: BF&S, Inc., Misty Grant-Kelsey, 11 South 3rd Street, Lafayette, IN 47901, (765) 423-5602

Exhibit 'A'

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Exhibit 'A' – Page 2



Old County Road 350 South and 500 East
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